

2012 CONFLICT OF INTEREST CODE
BIENNIAL REVIEW REPLY FORM

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

2012 AUG 22 PM 3 50

Contact Person: Janet Gonzalez Telephone Number: 619 427-0868
Name of Agency: South Bay Irrigation District
Mailing Address: P.O. Box 2328, Chula Vista, Ca 91912-2328

THOMAS J. BASTUS
CLERK OF THE BOARD
OF SUPERVISORS

This agency has reviewed its conflict of interest code and has determined that:

☒ **Amendments are necessary:** (Attach Amended Code)
(Check all that applies)

- ☒ Include new positions (including consultants) which must be designated
- ☐ Revise the titles of existing positions
- ☐ Delete titles of positions that have been abolished
- ☐ Delete positions that manage public investments
- ☒ Revise disclosure categories
- ☐ Other _____

☐ **No amendments are necessary.** Our agency's code accurately designates all positions which make or participate in the making of governmental decisions; the disclosure assigned to those positions accurately requires the disclosure of all investments, business positions, interests in real property and sources of income which may foresee-ably be affected materially by the decision made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer: [Signature] Date: 8-15-12

You must complete this report regardless of how recently your code was approved or amended. **Please return this report no later than October 1, 2012 to:**

Clerk of the Board of Supervisors
(Conflict of Interest Code)
1600 Pacific Highway, Room 402
San Diego, CA 92101

Approved and/or authorized by the Board of Supervisors of the County of San Diego.	
Meeting Date: <u>12/4/12</u>	Minute Order No. <u>20</u>
By: <u>[Signature]</u>	Date: <u>12/17/12</u>
Deputy Clerk of the Board Supervisors	

INDIAN WELLS
(760) 568-2611

IRVINE
(949) 263-2600

LOS ANGELES
(213) 617-8100

ONTARIO
(909) 989-8584

DIANNA MARIE VALDEZ
(951) 826-8252

DIANNAMARIE.VALDEZ@BBKLAW.COM

BBK COUNTY OF SAN DIEGO
BEST BEST & KRIEGER BOARD OF SUPERVISORS
ATTORNEYS AT LAW

3390 UNIVERSITY AVENUE, 5TH FLOOR, P.O. Box 1028 RIVERSIDE, CA 92502
PHONE: (951) 686-1450 | FAX: (951) 686-3093

WWW.BBKLA.W.COM

SACRAMENTO

(916) 325-4000

SAN DIEGO

(619) 525-1300

WALNUT CREEK

(925) 977-3300

WASHINGTON, DC

(202) 785-0600

THOMAS J. JUSZKA

CLERK OF THE BOARD

OF SUPERVISORS

2012 AUG 22 PM 3 50

August 21, 2012

Teresa Zurita, Deputy
Clerk of the Board of Supervisors
County of San Diego
1600 Pacific Highway, Room 402
San Diego, CA 92101-2471

Re: South Bay Irrigation District -
Amendment of Conflict of Interest Code and Request for Notice

Dear Teresa:

Enclosed for review and approval by the Board of Supervisors is the amended Conflict of Interest Code of the South Bay Irrigation District. The Code was amended by the District on July 16, 2012, by Resolution No. 602, a copy of which is also enclosed. As you can see by the enclosed legislative version of the Code, the amendment was done to include a new position that must be designated, revise disclosure categories and update language as provided by the Fair Political Practices Commission to clarify requirements.

Please notify me when this matter will be submitted to the Board for approval. I would also appreciate a copy of the Resolution or Minute Order approving the District's amended Code.

Also included with this packet is the District's 2012 Conflict of Interest Code Biennial Review Reply Form.



BEST BEST & KRIEGER LLP
ATTORNEYS AT LAW

Teresa Zurita, Deputy
Clerk of the Board of Supervisors
County of San Diego
August 21, 2012
Page 2

Please feel free to call or email me if you or County Counsel have any questions regarding the enclosed or this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'DMV', written over a horizontal line.

Dianna Marie Valdez
Conflicts of Interests & Ethics Coordinator
for BEST BEST & KRIEGER LLP
General Counsel
South Bay Irrigation District

:dmv

Encls:

Resolution of Adoption
Amended Conflict of Interest Code
Legislative Version of the Amended Code
2012 Biennial Notice

LAW OFFICES OF
BEST BEST & KRIEGER LLP

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

2012 AUG 22 PM 3 50

THOMAS J. PASTUSZKA
CLERK OF THE BOARD
OF SUPERVISORS

CONFLICT OF INTEREST CODE
FOR THE
SOUTH BAY IRRIGATION DISTRICT

BBK – June 2012

CONFLICT OF INTEREST CODE FOR THE
SOUTH BAY IRRIGATION DISTRICT

(Amended July 16, 2012)

The Political Reform Act (Gov. Code § 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. § 18730) which contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, regulation and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the **South Bay Irrigation District** (the "**District**").

All officials and designated positions required to submit a statement of economic interests shall file their statements with the **Board Secretary** as the District's Filing Officer. The **Board Secretary** shall make and retain a copy of all statements filed by Members of the Board of Directors and the General Manager, and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of San Diego. The **Board Secretary** shall retain the originals of the statements filed by all other officials and designated positions and make all statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

SOUTH BAY IRRIGATION DISTRICT

(Amended July 16, 2012)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

All District Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the District's Code, but must file disclosure statements under Government Code Section 87200 et seq. [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments¹:

Members of the Board of Directors

Treasurer

Deputy Treasurer

General Manager

Financial Consultant

¹ Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Controller	5
General Counsel	1, 2
Assistant General Manager	2, 4
Consultant and New Positions ²	

² Individuals providing services as a Consultant defined in Regulation 18701, or in a new position created since this Code was last approved that makes or participates in making decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The General Manager may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734.). The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Sec. 81008.)

EXHIBIT "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the Designated Position must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, do business in or own real property within the jurisdiction of the District.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the District.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Position's department, unit or division.

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

RESOLUTION NO. 602

2012 AUG 22 PM 3 50

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SOUTH BAY IRRIGATION DISTRICT J. PASTUSZKA
AMENDING THE CONFLICT OF INTEREST CODE OF THE BOARD
PURSUANT TO THE POLITICAL REFORM ACT OF 1974
OF SUPERVISORS

WHEREAS, the State of California enacted the Political Reform Act of 1974, Government Code Section 81000 et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of South Bay Irrigation District (the "District") and requires all public agencies to adopt and promulgate a conflict of interest code; and

WHEREAS, the Board of Directors adopted a Conflict of Interest Code (the "Code") which was amended on September 20, 2010, in compliance with the Act; and

WHEREAS, subsequent changed circumstances within the District and the Act have made it advisable and necessary to amend and update the District's Code; and

WHEREAS, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in the District being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Board of Directors of, the proposed amended Code was provided to each affected designated position and publicly posted for review at the offices of the District; and

WHEREAS, a public meeting was held upon the proposed amended Code at a regular meeting of the Board of Directors on July 16, 2012, at which all present were given an opportunity to be heard on the proposed amended Code.

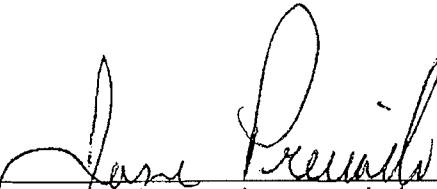
NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the South Bay Irrigation District that the Board of Directors does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Board Secretary and available to the public for inspection and copying;

BE IT FURTHER RESOLVED that the said amended Code shall be submitted to the Board of Supervisors of the County of San Diego for approval and said Code shall become effective thirty (30) days after the Board of Supervisors of the County of San Diego approves the proposed amended Code as submitted.

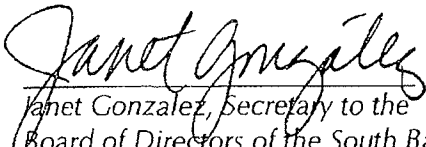
RESOLUTION NO. 602

APPROVED AND ADOPTED this 16th day of July, 2012, by the following vote to wit:

AYES: Directors Pocklington, Preciado, Rubalcaba, and Thomas
NOES: None
ABSTAIN: None
ABSENT: Director Welsh


Jose Preciado, President, Board of
Directors of the South Bay Irrigation
District

ATTEST:


Janet Gonzalez, Secretary to the
Board of Directors of the South Bay
Irrigation District

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

LEGISLATIVE VERSION

2012 AUG 22 PM 3 50

THOMAS J. PASTUSZKA
CLERK OF THE BOARD
OF SUPERVISORS

(showing changes made)

CONFLICT OF INTEREST CODE

FOR THE

SOUTH BAY IRRIGATION DISTRICT

BBK – ~~September 2010~~ June 2012

CONFLICT OF INTEREST CODE FOR THE
SOUTH BAY IRRIGATION DISTRICT

(Amended September 20, 2010 July 16, 2012)

The Political Reform Act (Gov. Code § 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. § 18730) which contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, regulation and the attached Appendix designating ~~officials and employees positions~~ and establishing disclosure categories, shall constitute the conflict of interest code of the **South Bay Irrigation District** (the "**District**").

All officials and designated employees required to submit a statement of economic interests shall file their statements with the **Board Secretary** as the District's Filing Officer. The ~~Filing Officer~~ **Board Secretary** shall make and retain a copy of all statements filed by Members of the Board of Directors and the General Manager, and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of San Diego. The ~~Filing Officer~~ **Board Secretary** shall retain the originals of the statements filed by all other officials and designated employees and make all statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

SOUTH BAY IRRIGATION DISTRICT

(Amended ~~September 20, 2010~~ July 16, 2012)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

All District Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the District's Code, but ~~are subject to the disclosure requirements of the Act.~~ (must file disclosure statements under Government Code Section 87200 et seq.) [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments¹:

Members of the Board of Directors

Treasurer

Deputy Treasurer

General Manager

Financial Consultant

¹

Individuals holding one of the above-listed positions may contact the FPPC Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

App.-1-

BBK – ~~September 2010~~ June 2012

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES' POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
<u>Controller</u>	<u>5</u>
General Counsel	1, 2
Assistant General Manager	2, 4

Consultant and New Positions²

² Consultants shall be included in the list of Designated Employees and Individuals providing services as a Consultant defined in Regulation 18701, or in a new position created since this Code was last approved that makes or participates in making decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734.) The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Sec. 81008.)

EXHIBIT "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of ~~investments, business entities, sources of income, including gifts, loans and travel payments, or real property which~~ economic interests that the Designated Employee-Position must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions in business entities, -and sources of income, including gifts, loans and travel payments, that are located in, do business in or own real property within the jurisdiction of the District.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the District.

Category 3: All investments and business positions in business entities, -and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District.

Category 4: All investments and business positions in business entities, -and sources of income, including gifts, loans and travel payments, that provide services, ~~supplies~~ products, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 5: All investments and business positions in business entities, -and sources of income, including gifts, loans and travel payments, that provide services, ~~supplies~~ products, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated ~~Employee's~~ Position's department, unit or division.